



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200000007

Date: June 10, 2004

Comments Due: July 10, 2004

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Orchard Creek project, which would result in direct impacts to approximately 2.61 acres of waters of the United States, including wetlands. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/index.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: William Chizmar
Fulcrum Capital
1530 J Street, #200
Sacramento, California 95814
916-383-3333

LOCATION: The project site is located in northwest Rocklin, in Section 3, Township 11 North, Range 6 East, Placer County, California, and can be seen on the Roseville USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct a mixed use commercial development on the approximately 115-acre property. The proposed development would contain 65 acres of business and professional space, 26 acres of retail commercial, 17.83 acres WYof constructed drainage basins, and 5.96 acres of open space containing 0.28 acres of avoided and preserved waters. The applicant's stated project purpose is to construct a mixed use development project in Placer County. The applicant believes there is a need to construct additional commercial space to serve the expanding population of western Placer County. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. The project area is primarily characterized by grassland habitat. Interspersed within the grassland are approximately 2.89 acres of waters of the United States. The aquatic habitats present include 1.67 acres of seasonal wetland, 0.35 acre of vernal pools, 0.16 acre of riverine seasonal wetland, and 0.71 acre of intermittent drainages tributary to Orchard Creek. Wetland vegetation includes coyote thistle (*Eryngium yaseyi*), popcorn flower (*Plagiobothrys stipitatus*), Fremont's goldfields (*Lasthenia fremontii*), spikerush (*Eleocharis*

macrostachya), double-horned downingia (*Downingia bicornuta*), annual hairgrass (*Deschampsia danthonioides*), and buttercup (*Ranunculus bonariensis*). The project site drains to the west and north via unnamed tributaries of Orchard Creek. The Sunset Ranchos development abuts the property on the east. Highway 65 runs along the western property boundary.

Alternatives. The applicant has not provided information concerning alternatives to the proposed project.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has not provided a compensatory mitigation proposal.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board will be required for this project before a permit could be issued. The applicant has not indicated they have applied for certification. A California Department of Fish and Game streambed alteration agreement will also be required for the project.

HISTORIC PROPERTIES: The applicant has not provided adequate information for us to determine what effect the proposed project would have on historic or prehistoric resources.

ENDANGERED SPECIES: The proposed activity may affect the Federally-listed endangered vernal pool tadpole shrimp (*Lepidurus packardii*), the threatened vernal pool fairy shrimp (*Branchinecta lynchi*), and is located within designated critical habitat for vernal pool species. The Corps will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: The proposed project should not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1)

guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 2000000007, must be submitted to the office listed below on or before July 10, 2004:

William Ness, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: William.W.Ness@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager William Ness, 916-557-5268, William.W.Ness@usace.army.mil.

Attachments: 3 drawings